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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELANIE RINCON,)	Case No. C12-4158 MEJ
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER MODIFYING SCHEDULING
vs.)	ORDER IN RE DISCOVERY AND
)	DISPOSITIVE MOTION DATES
AMERICAN FEDERATION OF STATE,)	
COUNTY AND MUNICIPAL EMPLOYEES, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	

The parties hereto, by their undersigned counsel of record, hereby stipulate and agree as follows, and respectfully request that the court modify its November 26, 2012 Case Management Order in the following respects.

1. By this stipulation the parties request modest modifications to paragraphs B and C of the Case Management Order, as described in paragraph 3 below.

1 2. The parties suggest good cause for the requested modification exists in that:

2 a. The parties have diligently pursued pretrial discovery in the months
3 following the Case Management Order's issuance. Both parties have conducted significant
4 paper discovery, including inspection demands, third-party subpoenas, and
5 interrogatories, and have cooperated in scheduling matters and in resolving discovery
6 disputes without the need for judicial intervention. The depositions of plaintiff and of her
7 treating physician have been completed. Moreover, although they have not made each
8 other aware of the specifics or details of same, each party hereby represents to the court
9 that it has conducted significant informal investigation into the matters alleged in the
10 pleadings as well.

11 b. Experts have been timely disclosed by the parties. After disclosure and
12 production of the written report of Ms. Rincon's designated expert Mary Ciddio, M.A.,
13 CRC, CDMS, D/ABVE, however, Ms. Ciddio advised of a previously unanticipated conflict
14 in her schedule rendering her unavailable for deposition through the end of June 2013.
15 The parties have met and conferred as to the most efficient manner in which to address
16 this development, and believe the modifications requested by this stipulation would be the
17 most efficacious manner in which to proceed.

18 c. Defendant AFSCME has associated new counsel into the case as of May 10,
19 2013. *See* Docket No. 26. New counsel is located in Washington D.C., the location of
20 AFSCME's headquarters, and was associated in part to defend depositions of AFSCME
21 personnel at AFSCME headquarters. The parties have worked diligently together to
22 arrange and schedule the Washington depositions taking into account the calendars of all
23 concerned.

24 d. The requested modifications do not significantly extend the time limits set
25 forth in the Case Management Conference. They do not impact any other aspects of the
26 order, including pre-trial conference or trial dates.

1 e. Neither party would be prejudiced by the court's approval of the requested
2 modifications.

3 f. The parties have requested no previous modifications to the Case
4 Management Order, nor continuances of any other dates in this matter.
5

6 3. The requested modifications are:

7 a. With respect to paragraph B of the Case Management Order: Modify due
8 date for filing dispositive motions from June 27, 2013, to July 11, 2013; hearing on
9 dispositive motions to be scheduled August 8, 2013, or such subsequent date as the court
10 may determine (if the hearing is scheduled for August 8 the parties have agreed to a
11 modified briefing schedule whereby the reply brief would be filed July 25, 2013, such that
12 the briefing will be completed two weeks prior to the hearing as contemplated by Civil
13 Local Rules 56-1 and 7-3(c));

14 b. With respect to paragraph C of the Case Management Order: Modify
15 discovery cutoff date generally to June 21, 2013, and with respect to expert depositions to
16 July 10, 2013.
17
18

19 Respectfully submitted,

20
21 Dated: May 31, 2013

22 s/ Richard Johnston
23 Richard Johnston
Attorney for Plaintiff

Bredhoff & Kaiser, PLLC
s/Abigail Carter
By: Abigail Carter
Attorneys for Defendant

~~[PROPOSED]~~ ORDER

Upon the parties' stipulation, and good cause appearing therefor, it is ordered that the Case Management Order entered herein on November 26, 2012, be modified in the following respects:

a. Paragraph B of the Case Management Order is modified such that the last day to file dispositive motions shall be July 11, 2013; and the hearing date for dispositive motions shall be ~~[August 8, 2013]~~ [August 15, 2013.] The parties shall agree to a briefing schedule so that all briefing is complete and submitted to the court no less than two weeks prior to the assigned hearing date.

b. Paragraph C of the Case Management Order is modified such that the discovery cutoff date shall be June 21, 2013, and with respect to expert depositions shall be July 10, 2013.

Dated: June 5, 2013, 2013



Maria-Elena James
United States Magistrate Judge